

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

RICK G. CULVER,

05-CV-1720-HU

Plaintiff,

ORDER

v.

QWEST COMMUNICATIONS CORPORATION;
QWEST CORPORATION; QWEST COMMUNICATIONS
INTERNATIONAL, INC.; and JOHN or JANE DOE;

Defendants.

THOMAS D. BOND

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Attorney for Plaintiff

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BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#73) on February 14, 2007, in which he recommended this Court grant Defendant's Motion for Summary Judgment (#52) and deny Plaintiff's Motion to Amend (#66) as moot. Plaintiff Rick Culver filed timely objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988); *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert. denied*, 455 U.S. 920 (1982). Because the objecting party did not arrange for the transcription of the record pursuant to Federal Rule of Civil Procedure 72(b) nor did any party protest the lack of a transcript, the Court did not review a transcript or tape recording of the proceedings before the Magistrate Judge as part of the Court's *de novo* review. *See Spaulding v. Univ. of Wash.*, 686 F.2d 1232, 1235 (9th Cir. 1982).

This Court has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubels's Findings and Recommendation (#73). Accordingly, the Court **GRANTS** Defendant's Motion for Summary Judgment (#52) and **DENIES** Plaintiff's Motion to Amend (#66) as moot.

IT IS SO ORDERED.

DATED this 23rd day of March, 2007.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge